



Allen Koppy  
Morton County State's Attorney  
210 2nd Ave., NW  
Mandan, ND 58554

Via email: [Allen.koppy@mortonnd.org](mailto:Allen.koppy@mortonnd.org)

March 2, 2017

Dear Mr. Koppy,

We at the Committee to Protect Journalists, an independent press freedom advocacy organization, along with the organizations listed below, write to request that the Morton County State's Attorney's Office drop the charges against journalists arrested during protests over the Dakota Access Pipeline or justify the arrests of reporters in the course of their work.

CPJ has [documented](#) at least 10 journalists still facing charges in relation to the protests, including nine in Morton County. Two of the journalists-- Christopher Schiano and Nicholas Georgiades, from the nonprofit media collective Unicorn Riot--face trial on misdemeanor criminal trespass charges today and tomorrow respectively. Police arrested them September 13 while Schiano and Georgiades were filming protesters who had locked themselves to construction equipment. In a video of the arrest, one of the journalists can be heard saying, "I'm press, sir. I'm press."

Other journalists still facing charges include freelancers Sara LeFleur-Vetter, Jihan Hafiz, Adam Schrader, Jenifer Stum, and Jenni Monet, and Lorenzo Serna, from Unicorn Riot, and Myron Dewey, from *Digital Smoke Signals*. On February 28, five press freedom and journalist groups, including CPJ, sent a [letter](#) to your office asking that it return equipment to freelance photographers Tonita Cervantes and Tracie Williams, who were arrested last week and still face charges. We are glad to hear that their [equipment was returned](#) to them yesterday.

At least five of the journalists facing charges, with whom CPJ spoke, said they were arrested despite attempting to follow police orders to disperse or remain behind police lines. Monet said in a column for [Columbia Journalism Review](#) that she was arrested while following an officer's order to leave an area where protests were taking place.

Most of the journalists facing charges are freelancers or from smaller, independent outlets that lack the resources to pay attorney fees or mount a

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public defense for the reporters. The fact that these journalists do not have the backing of large media companies may make them more vulnerable—but it does not lessen their First Amendment protected right to report the news. Journalists have an important role in documenting incidents in the public interest, including instances of civil disobedience and law enforcement operations. This role often draws them near to the scene of action. Trespass and rioting laws should require criminal intent, and journalists who are simply doing their job should not face criminal charges.

Prosecutors and the courts often use discretion to avoid charging journalists arrested at protests. There is recent precedent for this: the U.S. Attorney for the District of Columbia announced that it [dropped charges](#) against at least six reporters who were swept up in arrests on inauguration day in Washington D.C.

We are concerned that the arrests of journalists can have a chilling effect on press freedom and discourage media from covering stories that are in the public interest. In the case of Standing Rock, several journalists told CPJ they have shied away from covering protests or getting too close to police action to avoid being arrested again. While we acknowledge that journalists are sometimes temporarily detained in emergency situations, a case where several journalists face criminal charges for simply doing their job is unacceptable.

Sincerely,

Carlos Lauría,  
Program Director and Senior Program Coordinator for the Americas  
Committee to Protect Journalists

Bobby Magill  
President  
Society of Environmental Journalists

Bruce D. Brown  
Executive Director  
Reporters Committee for Freedom of the Press

Bryan Pollard  
President  
Native American Journalists Association



Delphine Halgand  
North America Director  
Reporters Without Borders

Lynn Walsh  
National President  
Society of Professional Journalists

Melissa Lyttle  
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National Press Photographers Association

Trevor Timm  
Executive Director  
Freedom of the Press Foundation

CC:

Kyle Kirchmeier, Morton County Sheriff

Wayne Stenehjem, North Dakota Attorney General